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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,780	03/29/2004	Shinichiro Watanabe	81754.0122	9501
26021	7590	04/07/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			BANGACHON, WILLIAM L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,780

Applicant(s)

WATANABE, SHINICHIRO

Examiner

William L. Bangachon

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2, 8-10, 11-12, and 18-20, have been considered but are moot in view of the new ground(s) of rejection.

The Examiner respectfully traverse applicant's argument that Miyamoto nor liyama do not disclose or suggest a changeover switch, as claimed, because the diode 2 of Miyamoto cannot switch to a booster circuit or the switching circuit 9 of liyama does not connect the transceiving device 1 to a resonance circuit and a booster circuit [page 8, 4th paragraph; page 10, 1st paragraph]. In this case, when the diode 2 (single switch as argued by applicant [Remarks, 5th paragraph] of Miyamoto switches to OFF, the rectifier circuit (booster circuit) supplies power, via the resonance circuit 16, to the modulation/demodulation circuit 3. This effectively connects the resonance circuit 16, transceiving device 16, and booster circuit 18. The type of switch used in Miyamoto is an obvious variation of the claimed changeover switch since it performs the necessary switching function (i.e. switching between power supplies).

2. Applicant's arguments with respect to claims 1-20, have been considered but are moot in view of the new ground(s) of rejection as follows:

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show or lack the reference of **“the booster circuit”** recited in the claims and described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

4. The rejection of claims 1-20 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6-8, and 17-20, of copending Application No. 10/811,790 is withdrawn based on applicant's amendment of the claims in the co-pending application.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-2, 8-12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2292866 (Miyamoto).

In claims 1, 8 and 11, Miyamoto teaches of an electronic circuit for a contactless tag (100, 110-112) as shown in Figures 1-13, comprising:

a transceiving device (16) having an antenna coil {page 12, lines 1+}; and
means for switching (2, 14) between a state where the antenna coil forms a resonance circuit of the transceiving device and a state where the antenna coil forms a booster circuit {page 13, 5+}.

Miyamoto do not disclose expressly a changeover switch. However, these claim limitations would have been obvious in the system of Miyamoto because although the diode 2 of Miyamoto simply turns ON and OFF (single switch as argued by applicant [Remarks, 5th paragraph]), it performs the necessary switching functions (i.e. switching between power supplies). That is, when the diode 2 of Miyamoto switches to OFF, the rectifier circuit (booster circuit) supplies power, via the resonance circuit 16, to the modulation/demodulation circuit 3. This effectively connects the resonance circuit 16, transceiving device 16, and booster circuit 18 as shown in any of the figures 1, 2, and 4. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to recognize that the diode 2 of Miyamoto is an obvious variation of the changeover switch, because although the diode 2 simply turns ON and OFF, it performs switching between power supplies, as claimed.

In claims 2 and 12, the means for switching (2, 14) switches between the two states based on an electromotive force induced by the antenna coil due to electromagnetic induction {page 14, lines 5+}.

Art Unit: 2612

In claims 9 and 18, the transceiving device (16) is brought into close proximity to a reader/writer for data communication {page 16, last paragraph; page 18, last paragraph}.

In claim 10 and 19, the antenna coil resonates according to a power supplied from the reader/writer when it is brought into close proximity to the reader/writer {page 16, last paragraph; page 18, last paragraph}.

Claim 20 recites a method for practicing the tag of claims 11 and 19, and therefore rejected for the same reasons.

8. Claims 1-2, 8-12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,489,883 (Iiyama et al).

In claims 1, 8 and 11, Iiyama et al teach of an electronic circuit for a contactless card (tag) {col. 1+}, comprising:

a transceiving device (1) having an antenna coil {col. 1, lines 21-27; paragraph bridging cols. 1 and 2}; and

means for switching (4) between a state where the antenna coil forms a resonance circuit of the transceiving device (1) and a state where the antenna coil forms a booster circuit {paragraph bridging cols. 3 and 4}.

Although Iiyama et al do not disclose expressly a “**changeover switch**”, it would have been obvious to one of ordinary skill in the art to recognize that when the rectified

Art Unit: 2612

voltage is lower than the battery voltage, the electric supply circuit connects the transceiving device 1 to the battery circuit (booster circuit) 29. That is, the electric supply switching circuit 4 of Iiyama is an obvious variation of the changeover switch as claimed, by connecting the transceiving device 1 to either the battery 29 or the rectified voltage {paragraph bridging cols. 5 and 6}, depending on the power supply level.

In claims 2 and 12, the means for switching (2, 14) switches between the two states based on an electromotive force induced by the antenna coil due to electromagnetic induction {col. 1, lines 21-27; paragraph bridging cols. 1 and 2}.

In claims 9 and 18, the transceiving device (16) is brought into close proximity to a reader/writer for data communication {col. 1, lines 21-27; paragraph bridging cols. 1 and 2}.

In claim 10 and 19, the antenna coil resonates according to a power supplied from the reader/writer when it is brought into close proximity to the reader/writer {col. 1, lines 21-27; paragraph bridging cols. 1 and 2}.

Claim 20 recites a method for practicing the tag of claims 11 and 19, and therefore rejected for the same reasons.

Claim Objections

9. Claims 3-7 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Office Contact Information

Art Unit: 2612

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William L. Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/10.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **5(571) 273-830000** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

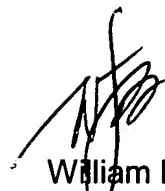
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6071.

Application/Control Number: 10/811,780

Art Unit: 2612

Page 10



William L Bangachon
Examiner
Art Unit 2635

March 31, 2006



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